



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,336	06/30/2000	Ken Miyagawa	11103-017001/PU01-0054	8326

7590 12/09/2003

John F Hayden
FISH & RICHARDSON P.C.
1425 K STREET, NW
WASHINGTON, DC 20005

EXAMINER

SCHULTZ, WILLIAM C

ART UNIT	PAPER NUMBER
----------	--------------

2664

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,336	06/30/2000	Ken Miyagawa	11103-017001/PU01-0054	8326

7590 11/24/2003

John F Hayden
Fish & Richardson PC
601 Thirteenth Street NW
Washington, DC 20005

EXAMINER

SCHULTZ, WILLIAM C

ART UNIT	PAPER NUMBER
----------	--------------

2664

DATE MAILED: 11/24/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,336

Applicant(s)

MIYAGAWA ET AL.

Examiner

William C. Schultz

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4,6-9, are rejected under 35 U.S.C. 102(b) as being anticipated by Eriksson [U.S. Pat. 5,483,532].

Regarding claims 1,4,6,9, Eriksson discloses a block forming method whereby a digital bit stream consisting of a plurality of packets having a same length is converted into a data block and at least a main data portion in which a plurality of complete packets and partial packets consisting of only partial data can be arranged and an additional data portion in which additional data of each of said complete packets in said main data portion and additional data of one partial packet are stored are formed in said data block, comprising the steps of:

when a space area smaller than one packet occurs in an end portion of said main data portion,

storing a part of the data of a next packet into said space area, **(fig.1)**

storing additional data of said next packet into said additional data portion as additional data of said one partial packet, and **(fig. 2)**

storing remaining data of the part of the data of said next packet into a start portion of the main data portion of a next data block; and **(fig. 2, col. 4, lines 1-45)**

when said space area does not occur in the end portion of said main data portion,

storing additional data invalid information showing that the additional data of said one partial packet is invalid into a portion other than said main data portion in said data block. **(fig. 2, part discontinuous data field)**

Further regarding claims 6,9, Eriksson discloses discriminating means. **(col. 3, lines 1- 67)**

Regarding claims 2,7, Eriksson further discloses said additional data invalid information is a flag which is arranged in a portion other than said main data portion and said additional data portion in said data block. **(fig. 2)**

Regarding claims 3,8, Eriksson further discloses said additional data invalid information is a flag which is arranged in said additional data portion in said data block. **(fig. 2)**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksson [U.S. Pat. 5,483,532] as applied to claims 4,9 above, and further in view of Peterson et al. [U.S. Pat. 6,504,845].

Eriksson discloses as above but fails to disclose the padding is with zeroes.

Peterson et al. discloses padding an ATM cell is done with zeroes.

It would have been totally obvious to one of ordinary skill in the art to modify Eriksson with Peterson et al. The motivation to pad with zeroes is to fill the fixed transmission frame up to the transmission frame limit because it is a requirement of that the frame be of a certain size.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Schultz whose telephone number is 703-305-2367. The examiner can normally be reached on M-F(7-4)(first bi-week) M-Th(7-4)(second bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

William Schultz


WELLINGTON CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600